



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Michael R. Pence*  
**Governor**

*Thomas W. Easterly*  
**Commissioner**

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**[www.idem.IN.gov](http://www.idem.IN.gov)**

January 24, 2013

## VIA ELECTRONIC MAIL

UST Owners and Operators,  
Environmental Consultants and Contractors,  
And Other Interested Parties

To Whom It May Concern:

Re: ELTF Claims Section Updates

The Excess Liability Trust Fund (ELTF) Section offers the following updates regarding ELTF claim submittals and reviews:

- Mileage will be reimbursed at \$0.57 per mile for work completed beginning January 1, 2013.
- The ELTF Claims Section continues to receive a high dollar amount of claims and is working diligently to address claim submittals that are outside the 60 day review requirement. However, it feels like a long, uphill battle when we continue to get flooded with information requests. In order to update you with the progress of the site, we plan to post information on the ELTF website at [www.IN.gov/idem/5063.htm](http://www.IN.gov/idem/5063.htm) about pending claims by early February. This will allow each of you check on the status of these claims.
- Bill Davis is working with Midwestern States Environmental Consultants Association (MSECA) and other interested parties to create workgroups to discuss key topics that were primary concerns during our Kaizen event held in September of 2012. As agreed during the Kaizen event, we will not make any changes to the review process without prior notification. We will provide updates regarding these continuous improvement activities via email, at Consultant's Day, and on the ELTF website.

Today, I am informing you that the following changes will be implemented beginning March 1, 2013:

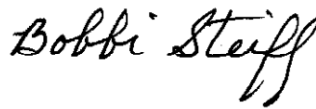
- **Effective March 1, 2013, IDEM will no longer redact information contained in the ELTF Application, except Social Security Numbers (SSNs), prior to putting the ELTF Application on IDEM's Virtual File Cabinet (VFC).** For all ELTF claims submitted on or after March 1, the applicant must redact all sensitive or confidential information. The information that applicants may wish to redact includes, but is not limited to, the following: bank account numbers on cancelled checks and credit card numbers on receipts. With the exception of SSNs, the entire claim will be placed in VFC as received for public view. This is necessary due to the large amount of time it takes to redact every claim we receive. Eliminating this will allow us to review and process claims more quickly.
- **Effective March 1, 2013, new Vendor Information Forms should no longer be sent in with the claim.** These forms should be sent directly to IDEM's Accounts Payable at least two weeks prior to submitting a claim:

Accounts Payable  
Attention: Lisa Love  
Indiana Department of Environmental Management  
100 N. Senate Ave., Rm. 1345  
Indianapolis, IN 46204-2251

- **Effective March 1, 2013, a claim will be denied in full if deficiencies exist that are listed in the attached checklist.** This denial will not count toward the maximum of three (3) times a cost can be submitted to the department for consideration.

If you have any questions, please contact me at 317-234-0935 or via email at [rsteiff@idem.IN.gov](mailto:rsteiff@idem.IN.gov). Bill Davis can be reached at 317-232-8921 or via email at [bdavis@idem.IN.gov](mailto:bdavis@idem.IN.gov).

Sincerely,



Bobbi Steiff  
Chief, Excess Liability Trust Fund Claims Section  
Underground Storage Tank Branch  
Office of Land Quality  
Indiana Department of Environmental Management

Attachment

## ELTF Claim Applications Deficiencies Checklist

The Excess Liability Trust Fund (ELTF) staff receives many claims with incorrect and /or incomplete information. Taking the time to obtain corrected information slows down the claim review process for the applicant, the ELTF staff, and the next applicant in line who has to wait longer for his claim to be reviewed. Staff members perform an initial check of each claim application after it arrives to determine if the application contains any of the following deniable issues. Each bulleted point, by itself, can result in having a claim denied in full without a review of the costs submitted. **Once a claim reviewer determines a claim must be denied in full, the reviewer will not look for additional reasons to deny costs. It is the applicant's responsibility to verify that all resubmitted costs are accurate and correct.** For example, if a claim application is denied in full because the Federal Tax ID is missing or does not match the auditor's records, the reviewer will stop and deny the claim. Upon resubmittal, if the invoice summary is missing, the claim will be denied again without review.

### Reasons for Complete Claim Denials

#### Incomplete information

- Claim application is not the current version. (State Form 47139 (R6 / 1-12)
- Claim application is not complete. (e.g., city, state missing)
- Applicant's signature is missing or is not an original signature.
- Affidavit form is altered or is not complete.
- Affiant signature on affidavit is missing or is not an original signature.
- Affidavit has not been notarized, and/or it does not have a legible notary seal.
- The Invoice Summary is missing.
- The claim application package needs a Power of Attorney or Assignment of rights.

#### Inaccurate Information

- Federal Tax identification number and/or name and address of applicant are either not on file or do not match the information on file with the Auditor of the State.
- The application and its associated costs appear to be related to several incidents. The same incident number must appear on the application, affidavit, Invoice Summary, all pay requests and documentation substantiating costs.
- The total of the submitted pay requests (including the pay requests for resubmitted costs) does not equal the total costs listed on the application.

#### Inconsistencies with 328 IAC 1-3-5.

- The claim consists of only resubmitted costs. These must be submitted with subsequent costs.
- The claim is a duplicate of another claim. A claim for the same costs will not be paid more than once by the fund.
- The claim totals less than \$5,000.00 and meets none of the exceptions listed in the rule. The claim consists of costs that have already been denied three times.
- The claim was submitted more than 9 months after NFA status was granted or more than 12 months after the denial of NFA costs timely received.

#### Inconsistencies with the ELTF Application Package Instructions

- The LUST incident is not currently eligible for reimbursement from the ELTF.
- The LUST incident does not have the technical approval(s) for reimbursement of costs claimed.
- Appropriate timesheets were not included as back-up.
- Resubmitted costs do not include the back-up documents specified as necessary in the claim application instructions. For example, the instructions require copies of the original pay requests, invoices and supporting documents, a copy of the IDEM decision letter, and an explanation about why the costs are now eligible for reimbursement.
- The majority of the costs submitted do not match the guidance rates listed in 328 IAC 1-3-5.